

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ANTHONY BARONE, JR.,

Plaintiff

v.

STATE OF NEVADA, et al.,

Defendants

Case No.: 2:22-cv-00354-APG-EJY

**Order Accepting Report and
Recommendation**

[ECF No. 3]

On March 4, 2022, Magistrate Judge Youchah recommended that I dismiss with prejudice plaintiff Anthony Barone, Jr.’s claims against the State of Nevada because the State is entitled to Eleventh Amendment immunity. ECF No. 3. Judge Youchah also recommended that the remainder of Barone’s claims be dismissed without prejudice, and with leave to amend by April 4, 2022. Barone did not object. Thus, I am not obligated to conduct a de novo review of the report and recommendation. 28 U.S.C. § 636(b)(1) (requiring district courts to “make a de novo determination of those portions of the report or specified proposed findings to which objection is made”); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc) (“the district judge must review the magistrate judge’s findings and recommendations de novo *if objection is made*, but not otherwise” (emphasis in original)).

I THEREFORE ORDER that Magistrate Judge Youchah’s report and recommendation **(ECF No. 3) is accepted**. Plaintiff Anthony Barone, Jr.’s claims against the State of Nevada are dismissed with prejudice. His remaining claims are dismissed without prejudice.

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1 I FURTHER ORDER plaintiff Anthony Barone, Jr. may file an amended complaint by
2 **April 4, 2022**. Failure to file an amended complaint by that date will result in the closure of this
3 file.

4 DATED this 28th day of March, 2022.

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7 ANDREW P. GORDON
8 UNITED STATES DISTRICT JUDGE
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